

REMARKS/ARGUMENTS

Claims 35-65 are pending in the application. Claims 35, 40, and 48 are independent claims. With this Response, independent claim 48 and dependent claims 51-53 have been amended. These amendments are reflected above in the section titled 'Listing of Claims'.

Claim 48 has been amended to more clearly recite that the intermediate account of the present invention is associated with an end-user account. As amended, claim 48 now recites that value is loaded into the end-user account responsive to a payment transaction. Dependent claims 51-53 have been amended to maintain consistency with the use of the term "end-user".

Claims 35-65 stand rejected under 35 U.S.C. 102(e) as being anticipated by U.S. Patent No. 6,473,500 ('Risafi'). Applicant respectfully traverses the rejection of these claims.

Independent claim 35 and independent claims 40 and 48 of the present invention recite a payment system and methods, respectively, that include both an intermediary account and an end-user account. In these claims, each of the intermediary accounts is associated with at least one corresponding end-user account. The end-user account is maintained by a vendor, such as a telecommunication carrier. For example, the end-user account may be a prepaid wireless carrier account that is configured and maintained on the wireless carrier's information system. Likewise, the end-user account may be provided for by any number of different vendors offering various services and/or products.

The intermediate account of the present invention, when linked with an end-user account, serves as a conduit in which payment transactions may be initiated at merchant locations, and the results effected at the end-user account. That is, the intermediate account provides a routing mechanism that allows for payment related details to be electronically communicated to vendor systems so that updates are posted to the end-user accounts. During a payment transaction, the

transaction proceeds under the guise of the intermediate account (i.e., the transaction is processed using the intermediate account number). The payment processor receives the intermediate account number and transaction information and references the association between the intermediate account and the end-user account. Using the end-user account association, the payment processor is able to communicate the payment information to the appropriate vendor information system. The ultimate result of payment transactions of the present invention is to effect some change at the end-user account, which is maintained by a vendor not the facilitator of the payment system.

Referring to independent claim 35, the claim recites a system that includes:

a payment processor including a database for storing a list of participating point-of-sale merchants and further including a database associating each of a plurality of intermediary account numbers with at least one corresponding end-user account number, each end-user account number associated with a corresponding vendor; and

the payment processor operable to exchange electronic messages with the point-of-sale terminal via the financial network and including means for crediting an indicia of monetary value to a corresponding intermediary account stored in a database coupled to the payment processor in response to receiving a payment message from the point-of-sale terminal, and further including interface means for communicating at least a recharge transaction to the corresponding vendor to credit a selected one of the end-user accounts associated with the corresponding intermediary account in response to crediting the corresponding intermediary account.

(emphasis added). Independent claim 40, recites a method that includes the following steps:

establishing an intermediary account having a corresponding account identifier;

associating the account identifier of the intermediary account with an end-user's prepaid account maintained by a telecommunication vendor and storing the association in a database coupled to a central payment processor, wherein the association includes information that allows the central payment processor to identify the end-user's prepaid account when presented with the account identifier;...

in the central payment processor, if the validating step results in approval of the transaction, sending a message to the telecommunication vendor for loading

value into the end-user's associated prepaid account responsive to the payment transaction.

(emphasis added). Likewise, independent claim 48 recites:

establishing an intermediary account in a database that is coupled to the payment processor, the intermediary account having a corresponding account identifier;

associating the intermediary account with an end-user account associated with a corresponding vendor;...

sending a message to the vendor for loading value into the end-user account responsive to the payment transaction.

(emphasis added).

Referring to Figures 1, 2, and 4, Risafi teaches a payment system that includes Prepaid Debit Card Center 404. Although, the Prepaid Debit Card Center 404 is shown to communicate with Issuer 410, its functionality and interaction in the payment system is different from what is claimed in the present invention.

In Risafi, the card processing center (i.e., the Prepaid Debit Card Center illustrated in various Figures) configures an "account file" that is associated with a card number. The account file is used to store and keep track of the balance remaining on the card after a purchase. (Col 4, lines 24-28). Unlike the intermediary account and end-user accounts claimed in the present invention, Risafi describes only one account that is activated for keeping track of transactions made by the card holder. Referring to Figure 2, for example, Risafi recites that the balance in the account file is decreased when purchase are made (box 250) and when cash is withdrawn (box 260). The same account file is increased when value is added (box 270). (Col. 10, lines 41-59). Moreover, with regard to Figure 4, Risafi describes that the Card File 406 "keeps track of the cards that are in use...and are still open, how much value is in each card account, and the PIN for that card." (Col. 10, lines 52-57).

With the present invention, the vendor tracks and maintains the cardholder's end-user account. As the vendor's services are used (e.g., wireless telephone, long distance telephone service, etc.), the vendor decreases the end-user account accordingly. Likewise, when the cardholder initiates a reload transaction, the intermediate accounts serves as a conduit that allows value to be added to the end-user account.

Figure 9b of Risafi illustrates a process of using a prepaid telephone card. Rather than the TELCO maintaining an end-user account as would be the case with the present invention, at block 928, Risafi describes the TELCO communicating with the card processing center to verify that the card number it has been provided and the pin are valid. (Col. 16, lines 41-43). From the card processing center, the TELCO retrieves how much value remains in the card account and determines how much phone time remains in the card account. (Col. 16, lines 44-49).

In short, Risafi fails to disclose, teach, or suggest various features recited by independent claims 35, 40, and 45 of the present invention. More particularly, Risafi does not teach or suggest associating an end-user account that is provided for by a vendor with an intermediate account. Moreover, Risafi does not teach or suggest effecting a payment transaction that includes communicating with a vendor to effect a change, such as the loading of value, on an end-user account. Instead, Risafi teaches only one account that is provided for by the card processing center and stored as an account file.

As set forth in MPEP § 2131, a claim is anticipated under 35 U.S.C. § 102(e) only if each and every element as set forth is found, either expressly or inherently described, in a single prior art reference. Because Risafi does teach or suggest each and every element in independent claims 35, 40, and 45, the rejection of these claims should be withdrawn. It follows that intervening dependent claims 36-39, 41-44, and 46-65 should also be allowed since these

dependent claims carry with them all of the limitations of the independent claims to which they refer.


CONCLUSION

Applicants believe this Response to be fully responsive to all outstanding issues and places this application in condition for allowance. Reconsideration of the application is respectfully requested.

The Examiner is invited to contact the undersigned attorney at 713-758-2572 with any questions, comments or suggestions relating to the referenced patent application.

Respectfully submitted,

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